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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/990,854	12/11/92	DARBEE	P 92032

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EXAMINER

EDWARDS JR, T

ART UNIT PAPER NUMBER

2735

DATE MAILED:

02/09/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*SEE ATTACHMENT*

# Office Action Summary

Application No.

07/990,854

Applicant(s)

Darbee et al.

Examiner

Timothy Edwards

Group Art Unit

2735



☒ Responsive to communication(s) filed on Jul 21, 1995

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 7-10 is/are allowed.

☒ Claim(s) 1, 2, 6, and 11 is/are rejected.

☒ Claim(s) 3-5 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

**Applicant is reminded to update status of related applications (i.e. pending, abandon or patent number).**

The proposed specification amendment, dated Jan 28, 1995, to page 7, line 17-18 does not correspond with instant application. Also, proposed specification amendment, dated Jul 21, 1995, to page 2, line 24; page 6, lines 30, 31, and 33; and page 7, line 2 does not correspond with instant application. Therefore, amendment was not entered.

The Advisory Action mailed on Aug 11, 1995 is withdrawn.

### ***Response to Arguments***

1. Applicant's arguments filed Jul 10, 1995 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., applicant's remote control unit is not a learning remote, it does not require a second remote from which to learn the appropriate signal) are not recited in the rejected claim(s). Although the claims are

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interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

A) Rejection based on Kurita '538; Osborne '385; Berry '947 and '734 are withdrawn.

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1,2,6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by **Evans et al.** [US 4,825,200].

Considering (amended) claims 1 and 11, Evans et al. discloses a 'reconfigurable remote control transmitter' having all the claimed subject matter as noted; a remote control device comprising: a) a microprocessor including a CPU and memory means is addressed in col 4, line 67

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and col 5, line 3, see fig 2; b) a keypad including a set of keys coupled to the microprocessor is addressed in col 4, lines 57-59, see fig 2; c) lamp driver circuitry coupled to the microprocessor, means for generating IR signals coupled to the IR lamp driver circuitry is addressed in col 5, lines 20-30, see fig 2; d) instructions and data in binary from stored in the memory means for enabling command functions for controlling a plurality of devices manufactured by different manufactures to be retrieved and supplied to the means for generating IR signals is addressed in col 1, lines 13-30 and col 7, lines 17-29; e) a key reassignment table in the memory means containing key identity mode data, device data format, and function data is addressed in col 4, lines 23-27 and lines 40-45, also, col 7, lines 38-47, col 8, lines 44-48 and col 9, lines 25-52; f) program instructions in binary form stored in the memory means for enabling one to assign a different command function to a key on the keypad upon the inputting of a predetermined keystroke sequence on the keypad is addressed in col 8, lines 17-63.

Considering claim 2, the remote control device keypad includes device keys, mode keys and alpha-numeric keys is addressed in fig 1.

Considering claim 6, the key reassignment table includes, for each key, key identity mode data, device data format, and command function data is addressed in col 4, lines 23-27 and lines 40-45, also, col 7, lines 38-47, col 8, lines 44-48 and col 9, lines 25-52

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*Allowable Subject Matter*

5. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 7-10 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

A search of prior art does not disclose a method of reassigning key functions. However, Evans et al. '200 does not disclose a method of using 'a combination of letter keystrokes and number keystrokes to accomplish the task of reassigning key functions on a keypad, also a method of storing the key identity and current mode into a "FROM" entry in the key reassignment table and obtaining with the program instructions device data format and command function data corresponding to the function and mode selected from the key reassignment table and storing the data obtained in a "TO" entry in the key reassignment table'. The differences between this method of reassigning key functions and those disclosed by Evans et al. '200, which use a methods of selecting a key to be reassigned and then selecting the device, from the keypad, to which the key is to control and the code function. This process is repeated for any desired number of devices and functions within one sequence of operation. Evans does not teach or suggest a method of reassigning key functions using alpha and numeric keys on the keypad in a predetermined

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sequence to reassign key functions. Also, Hidaka et al. [US 5,237,319] teaches a method of combining a learnt signal with a pre-recorded signal used to control a plurality of audio-visual devices of different manufactures. However, Hidaka fails to teach or suggest the reassigning of a key for control purposes. The disclosure by the prior art is such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. Since the prior art neither suggests or teaches this method and one having ordinary skill in the art would find the method to be non-obvious the indicated claimed subject matter is allowable.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are Hidaka et al. [US 5,237,319] discloses a remote control device with learning function.

9. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Monday-Thursday, 8:30a-4:00p. The examiner can not be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-8576, Mon-Fri, 8:30a-5:00p.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington. VA., Sixth Floor (Receptionist).

Timothy Edwards, Jr.  
January 22, 1999

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
GROUP 2700

